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FISCAL IMPACT STATEMENT

LS 7418

BILL NUMBER: SB 519

NOTE PREPARED: Apr 12, 2013

BILL AMENDED: Apr 11, 2013

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Landske

FIRST SPONSOR: Rep. Richardson

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill does the following.

Definitions- The bill defines "domicile", "inhabitant" and "immediate family" for purposes of election law.

Voter Education Outreach Fund- The bill establishes the Voter Education Outreach Fund (VEOF) to receive, hold, and disburse funds for education and outreach to citizens concerning voter rights and responsibilities.

Removal of Paster References- The bill removes references to "pasters".

All Precinct E-Poll Book Order- The bill specifies that a county order to use electronic poll books applies to all precincts in a county conducting an election.

Changes to Determination of Voter Residency Standards- The bill makes changes in the standards for determining residency of voters and candidates.

NVRA Official Designates Agencies- The bill provides that the National Voter Registration Act (NVRA) official (rather than the Secretary of Family and Social Services) designates "full service" registration agencies. The bill makes several other changes regarding the designation of voter registration agencies.

Annual Residency Confirmation and Outreach- The bill requires the NVRA official to conduct an annual residency confirmation and outreach procedure.

Vote Center Personnel Titles- The bill permits county vote center plans to use other titles to designate precinct

election officials. The bill provides that the county vote center plan must specify which precinct election officer is to perform a duty required of a precinct election officer by the election code.

Vote Center Plans- The bill provides that vote center plans are required to include certain provisions applicable only when an election is not being held in all of a county.

SVRF Subscription Expiration- The bill provides that the subscription of an entity to the statewide voter registration file (SVRF) information expires on the first January 1 following payment of the annual fee.

Poll List Requirements- The bill requires that a poll list used in a primary to indicate if a voter is less than 18 years of age.

Exemption for State & County Government- The bill specifies that a state agency or county voter registration office receiving a voter registration application through the statewide voter registration system is not subject to the requirements applicable to a person who takes custody of an individual's voter registration application.

Incomplete Application- The bill provides that a voter registration application is considered incomplete if another person takes custody of the application from the applicant, and files the application with the county voter registration office without including certain information to be provided by the person with custody of the application.

Previous Registration Forms- The bill specifies that registration forms previously approved by the Indiana Election Commission (IEC) which do not comply with the requirements to provide a space for a sworn statement of the name and address of an individual who received the form from the applicant, the date on which the form was received from the applicant, and contains a receipt to be given to the applicant from the individual who receives the application may not be used after December 31, 2013 or accepted by a county voter registration office.

Comparison of Voter Lists in Other States- The bill requires comparison of voter lists from certain neighboring states and others with the Indiana voter registration list to identify duplicate registrations and any cases in which a voter cast a ballot in more than one state during the same election.

Cancellation of Dead Voter's Registration- The bill requires a county voter registration office (CVRO) to cancel the registration of a voter if the office receives certain notices of the voter's death. The bill requires the State Department of Health (ISDH) and the Election Division (IED) to obtain certain information about the deaths of Indiana residents for purposes of maintaining voter registration records. The bill establishes procedures for county processing of voter registration record cancellations.

Electronic Poll Lists- The bill permits the county election board (CEB) of a county that is not a vote center county to adopt an order to use electronic poll lists. The bill establishes additional standards for electronic poll lists. The bill provides that a "tablet" may be used in place of a signature pad to capture a voter's signature at the polls in counties using electronic poll books. The bill establishes standards regarding the storage and archiving of information obtained from electronic poll books.

Transmit Voter Registration Applications- The bill permits the Family and Social Services Administration (FSSA) and the State Department of Health (SDOH) to transmit voter registration applications by first class mail. (Current law requires the use of certified mail, when mail is used.)

No Display of Political Preference in Polls or Chute- The bill provides that the polls may not be located in a structure on or in which any display is affixed and visible to a voter of political preference or party allegiance. The bill specifies that this does not prohibit the location of the polls in a structure that includes any pictures, photographs, or other likenesses of any currently elected federal, state, county, or local official, other than within the polls or chute.

False Statement of Voter's Address- The bill states that an individual commits a violation when knowingly making a false statement regarding the voter's address (whether the address has changed or remains the same as set forth on the poll list)

Government Employees- The bill provides that a government employee may not knowingly or intentionally: (1) use certain property of the employee's government employer to solicit a contribution, advocate the election or defeat of a candidate, or advocate the approval or defeat of a public question; or (2) distribute campaign materials advocating: the election or defeat of a candidate; or the approval or defeat of a public question; on the government employer's real property during regular working hours. The bill provides that the prohibitions do not apply to activities permitted under the statute governing issuance of bonds or other evidences of indebtedness by a political subdivision. The bill provides that a violation of the prohibition is a Class A misdemeanor. The bill provides that a second or subsequent conviction for a violation is a Class D felony.

Technical Changes, Repealers- The bill makes technical changes. It repeals: (1) obsolete procedures relating to designation of voter registration agencies; (2) a requirement for counties to have an NVRA implementation plan; (3) requirements relating to making memoranda of voter registration documents; (4) statutes relating to pasters; (5) sample ballots; and (6) delivery of absentee ballot applications.

Effective Date: Upon passage; July 1, 2013.

Explanation of State Expenditures: *NVRA Official Designates Agencies-* This provision would allow the NVRA officials (the Election Division Co-Directors) to designate agencies required to provide voter registration services to the extent that it has been determined: (1) the agency in question is funded by the state; and (2) the agency is primarily engaged in serving persons with disabilities. It is likely the Co-Directors of the Election Division could make the proper designations within existing resources.

Statewide Voter Registration Management/Address Confirmation Mailing- The bill would give the option for the Election Division to enter into a contract agreement with a vendor to provide voter registration system maintenance and a vendor to conduct an address confirmation mailing. The bill would allow the Secretary of State to enter into contracts with vendors for these services if the Election Division is unable to do so. However, the bill does not provide an appropriation to fund these potential contracts. The additional funds and resources required could be supplied through resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Voter Education Outreach Fund (VOEF)- The VOEF would be created to educate and provide outreach on voters' rights and responsibilities. The VOEF would be administered by the Secretary of State (SOS). Expenditures necessary to administer the VOEF would be paid from the VOEF.

Annual Residency Confirmation and Outreach- Election officials would have to adhere to the procedures required in the bill and may require additional administrative time to accomplish these provisions. Additional

expense may be required for postage if the NVRA official or contracted vendor sends a mailing notice to each voter in Indiana.

The NVRA official would also be required to contact Indiana's districts within the U.S. district court system to confirm the return of U.S. mail sent for jury selection purposes. Additionally, the CVRO would be required to send an address confirmation notice to a voter that this provision could impact.

Comparison of Voter Lists in Other States- NVRA officials would experience an increase in their administrative workload to accomplish this provision. The NVRA official would have to request a list from election officials in Florida, Illinois, Kentucky, Michigan, and Ohio. Additionally, the NVRA official would also be able to request lists from other states if the NVRA official determines there is reasonable probability that a significant number of individuals registered to vote in Indiana may also have registered in that state. If the lists were received, the NVRA official would use them to help with the maintenance of the voter list by determining if any possible duplicate registrations exist and report those findings to the county voter registration office. NVRA officials would be required to submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service.

Kansas Provision: No later than August 1, 2013, NVRA officials would be required to establish a memorandum of understanding with the Kansas Secretary of State. Every January 15, the NVRA officials would be required to provide data from the SVRL, cost-free, to the Kansas Secretary of State to allow comparison of voter registration data. An NVRA official would be required to notify the CVRO if a notice is received that a voter in Indiana may be registered to vote in another state. If the voter is determined to have registered in another state after registering in Indiana and authorized the cancellation of the previous Indiana registration, the CVRO would cancel the voter's Indiana registration. However, if the authorization to cancel was not provided by the voter in question, the CVRO would have to send an address confirmation notice to the Indiana address. Additional mailings would require additional postage and printing costs to the CVRO.

Cancellation of Dead Voter's Registration- The SDOH currently checks on the deaths of Indiana residents in other states. The bill would require the SDOH to either continue receiving death information from other states or use the State and Territorial Exchange of Vital Events (STEVE) and the Electronic Verification of Vital Events (EVVE) systems to receive the information.

Under current law, the SDOH forwards the information collected on Indiana resident deaths in other states to the Indiana Election Division. Additionally, the IED checks with the federal Social Security Administration on identified deceased residents of Indiana. The bill would require the IED to check monthly and send a monthly report to all county voter registration offices. The IED currently sends these reports, although not necessarily on a monthly time line. It is likely these provisions would not significantly increase SDOH or IED expenditures, but may require additional staff time to carry out these requirements.

Transmit Voter Registration Applications- This provision would save the FSSA and SDOH postage expense, as first class mail (at \$0.32 per post card) is less than the cost of certified mail (an additional \$2.63 per letter).

Government Employees- A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC)

facilities for all Class D felony offenders is approximately ten months. However, it is unlikely this provision would increase DOC expenditures significantly.

Explanation of State Revenues: *SVRF Subscription Expiration-* Copies of the statewide voter registration list are available from the Election Division for an annual fee of \$5,000. The bill places the expiration date of the subscription on January 1 following payment. This provision may slightly affect the timing of subscription fees being received by the IED during the first year of implementation. The provision would likely shift the renewal by subscribers to just after January 1 of a given year, to assure the subscriber receives a complete year of updates of voter registration information from the IED.

Government Employees- If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class D felony is \$10,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Summary-* The bill would increase the administrative duties of local election officials including: county election boards, offices of voter registration, and local NVRA officials. The following paragraphs provide detailed description of the main additional responsibilities and expenditures required by the bill.

Removal of Paster References- This provision would reduce printing costs to county election boards for the production of "pasters". Whether this provision would affect the reprinting of future ballots would depend on local action.

(Revised) *Electronic Poll Lists-* This provision would have a two-fold impact on local expenditures. Initially, the county would increase local expenditures by the purchase of the equipment for at least each polling place to have access to an electronic poll list. However, over time, counties that adopt the use of electronic poll lists would recoup the initial cost of the e-poll lists by no longer printing paper poll lists. There are several standards within the bill that the e-poll lists would have to follow. It is likely that vote center counties that currently use e-poll books and lists would be able to meet these requirements with the existing vendors of their lists.

(Revised) *No Display of Political Preference in Polls or Chute-* Precinct election officials would have to make sure that no political or party allegiances are on display and visible within the structure that the polls or chute are set up in. It is likely any offending picture or other displays could be removed by custodial staff prior to the set-up of the polls. In rooms that have a permanent display that cannot be removed, either the polls would have to be moved to another room or another structure may need to be sought to house the polls.

Background Information- After being selected as a pilot vote center county, Tippecanoe County paid \$10,750 for electronic polling software for their vote centers. The county was able to eliminate paper lists, which were estimated to cost \$1,782 to produce. It was estimated by the county that the savings from no longer printing poll books would break even with the electronic poll book software start-up costs within roughly six elections conducted by their vote centers.

"Pasters" are used to cover a candidate's name on existing ballots due to the death of the candidate, the candidate no longer being on the ballot for other reasons, or for candidate name changes. Pasters affect optical scan and paper ballot voting methods only.

Explanation of Local Revenues:

State Agencies Affected: Indiana Election Division, Indiana Election Commission, State Department of Health, Family and Social Services Administration; Secretary of State; Department of Correction.

Local Agencies Affected: County election boards, national voter registration officer, board of voter registration, county voter registration office, trial courts, local law enforcement agencies.

Information Sources: Christa Coffee, Tippecanoe County Clerk, Linda Phillips, Former Tippecanoe County Clerk; United States Postal Service; Indiana Election Division.

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